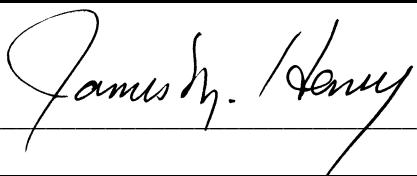
	POLICIES AND PROCEDURES State of Tennessee Department of Intellectual and Developmental Disabilities	Policy #: 80.2.2	Page 1 of 3
Policy Type: Administrative		Effective Date: May 2, 2013	
Approved by:  Commissioner		Supersedes: N/A	
Subject: Abuse Registry Review Committee		Last Review or Revision: N/A	

- I. **AUTHORITY:** Tennessee Code Annotated (T.C.A.) 4-3-2708, T.C.A. 33-1-203, T.C.A. 33-1-302(a) (3), T.C.A. 33-1-303, T.C.A. 33-1-305, T.C.A. 68-11-1001 through -1005.
- II. **PURPOSE:** To establish a procedure for referring to the Abuse Registry certain individuals who have been substantiated for abuse, neglect, or exploitation and who are employees of facilities, community agencies, institutes, or independent contractors that contract with and/or are licensed by the Department of Intellectual and Developmental Disabilities (hereinafter "DIDD" or the "Department") for the provision of services.
- III. **APPLICATION:** This policy applies to members of the Abuse Registry Review Committee.
- IV. **DEFINITIONS:**
 - A. **Abuse** shall mean the knowing infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish.
 - B. **Abuse Registry** shall mean the registry maintained by the Department of Health which contains the names of persons who have abused, neglected, exploited, or misappropriated personal property of a vulnerable person as defined in T.C.A. 68-11-1002(6). The registry is established by T.C.A. 68-11-1001, *et seq.*
 - C. **Abuse Registry Review Committee (ARRC)** shall mean the DIDD central office committee that reviews the cases of certain individuals who have been substantiated for abuse, neglect, or exploitation to make decisions regarding referrals for placement on the Abuse Registry.
 - D. **Exploitation** shall mean actions including but not limited to the deliberate misplacement, misappropriation or wrongful, temporary or permanent use of belongings or money with or without the person's consent. DIDD also considers it exploitation to illegally or improperly use a person or person's resources for another's profit or advantage.
 - E. **Investigation** shall mean a formal procedure for the review and examination of allegations of abuse, neglect, exploitation, serious injury of unknown cause, or suspicious injury or death of an individual receiving services and supports through DIDD.

F. **Neglect** shall mean the failure to provide goods or services necessary to avoid physical harm, mental anguish or mental illness, which results in injury or probable risk of serious harm.

V. **POLICY:** The Department shall establish and maintain an Abuse Registry Review Committee. The committee shall review and examine cases and make decisions regarding recommendations for placement of individuals on the Abuse Registry.

VI. **PROCEDURES:**

A. Abuse Registry Review Committee Members

1. The ARRC chairperson shall be an employee of DIDD but shall not cast a vote except in the event of a tie. The committee's membership shall consist of the following nine (9) members appointed by the Commissioner or his or her designee:
 - a. One (1) representative from the Bureau of TennCare.
 - b. One (1) representative from the Department of Human Services, Adult Protective Services Division.
 - c. Two (2) representatives from the Department of Intellectual and Developmental Disabilities, one of whom shall serve as the committee chairperson.
 - d. One (1) representative from the Department of Mental Health and Substance Abuse Services.
 - e. One (1) representative from the Disability Law and Advocacy Center.
 - f. One (1) individual with expertise in health services.
 - g. One (1) provider of services and supports funded by DIDD.
 - h. One (1) member of the community who is not affiliated with DIDD nor a provider of services and supports funded by DIDD.

B. Committee Meetings

1. The ARRC shall meet when necessary to conduct business before it. The ARRC chairperson shall set the meeting date and time and provide reasonable advance notice to the members.
2. A quorum shall consist of five (5) committee members.
3. Members shall be present for their votes to count.

4. The ARRC chairperson shall send the documents to be reviewed to committee members no less than seven (7) days prior to the next scheduled meeting.
5. The meeting minutes shall reflect the outcome of the committee's deliberations.

C. Abuse Registry Referrals

1. The ARRC shall, upon review of the cases before it:
 - a. Determine whether further information is necessary before making a decision. If so, the ARRC chairperson shall request further information from the DIDD Director of Investigations. Upon receipt, the ARRC chairperson shall present the requested information at the next regularly scheduled committee meeting.
 - b. Determine which offenders shall be referred for placement on the Abuse Registry.
2. Upon the committee's decision to refer an offender for placement on the Abuse Registry, the following shall occur:
 - a. Within five (5) business days of the committee's determination, the ARRC chairperson shall notify the Commissioner or designee and the Office of General Counsel.
 - b. Within thirty (30) business days of receiving notification of the referral, the Office of General Counsel shall issue written notice via certified mail sent to the person's last known address.
 - c. The notice shall include:
 1. The nature of the allegation(s).
 2. A statement of the individual's right to an administrative hearing if requested in writing within thirty (30) calendar days from the date of the notice.
 3. A statement that the failure to request an administrative hearing shall result in placement of the person's name on the Abuse Registry and reporting to the appropriate occupational registry and/or licensure authority.